

H.B. 2227

## CHAPTER 962

AN ACT TO PROVIDE FOR ACQUISITION OF RIGHT-OF-WAY BY THE DEPARTMENT OF TRANSPORTATION FOR LOCATION AND RELOCATION OF UTILITY INFRASTRUCTURE AND TO CLARIFY THE REGULATORY AUTHORITY OF THE UTILITIES COMMISSION WITH REGARD TO NATURAL GAS.

Whereas, many citizens of the State are not served with utilities necessary for their health, safety and welfare, such as natural gas, water and sewerage; and

Whereas, the State owns or controls rights-of-way for roads, and will be acquiring significant additional rights-of-way in the future, and such rights-of-way can form natural and economical corridors for the location or relocation of essential utilities; and

Whereas, the power to acquire rights-of-way presently vested in the Department of Transportation is restricted to acquisition of the amount needed for road construction and maintenance, which in some cases is not adequate to accommodate utilities; Now, therefore,

*The General Assembly of North Carolina enacts:*

**Section 1.** G.S. 136-18 reads as rewritten:

*" § 136-18. Powers of Department of Transportation.*

The said Department of Transportation shall be vested with the following powers:

- ...
- (2) To take over and assume exclusive control for the benefit of the State of any existing county or township roads, and to locate and acquire rights-of-way for any new roads that may be necessary for a State highway system, and subject to the provisions of G.S. 136-19.5(a) and (b) also locate and acquire such additional rights-of-way as may be necessary for the present or future relocation or initial location, above or below ground, of telephone, telegraph, electric and other lines, as well as gas, water, sewerage, oil and other pipelines, to be operated by public utilities as defined in G.S. 62-3(23) and which are regulated under Chapter 62 of the General Statutes, or by municipalities, counties, any entity created by one or more political subdivisions for the purpose of supplying any such utility services, electric membership corporations, telephone membership corporations, or any combination thereof, with full power to widen, relocate, change or alter the grade or location